

# EXHIBIT 5

## Nick Spear

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**From:** Andrew Michaelson <amichaelson@kslaw.com>  
**Sent:** Wednesday, April 5, 2023 2:58 PM  
**To:** Nick Spear  
**Cc:** Suzanne Nero; Meghan Strong  
**Subject:** RE: Einstein Deposition Scheduling

### EXTERNAL Email

Hi Nick,

Following up on our call this morning, if there is an agreement to proceed with a deposition then we would limit questioning to the subject of common methodology and not cover Attari (except to the extent there is overlap as there is, for example, on method to calculate gain or loss). In the absence of an agreement, we reserve the right to move the court to depose Einstein on both subjects.

Thanks,  
Andrew

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**From:** Andrew Michaelson <amichaelson@kslaw.com>  
**Sent:** Wednesday, April 5, 2023 7:55 AM  
**To:** Nick Spear <NSpear@susmangodfrey.com>  
**Cc:** Suzanne Nero <snero@kslaw.com>; Luke Roniger <LRoniger@KSLAW.com>; Meghan Strong <MStrong@KSLAW.com>; Oleg Elkhunovich <oelkhunovich@SusmanGodfrey.com>; james@taylorcopelandlaw.com; Max Ambrose - Taylor-Copeland Law (maxambrose@taylorcopelandlaw.com) <maxambrose@taylorcopelandlaw.com>; Simon DeGeorges <SDeGeorges@susmangodfrey.com>  
**Subject:** Re: Einstein Deposition Scheduling

I can do 9:15 am PT.

Andrew

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**From:** Nick Spear <[NSpear@susmangodfrey.com](mailto:NSpear@susmangodfrey.com)>  
**Sent:** Wednesday, April 5, 2023 12:37:39 AM  
**To:** Andrew Michaelson <[amichaelson@kslaw.com](mailto:amichaelson@kslaw.com)>  
**Cc:** Suzanne Nero <[snero@kslaw.com](mailto:snero@kslaw.com)>; Luke Roniger <[LRoniger@KSLAW.com](mailto:LRoniger@KSLAW.com)>; Meghan Strong <[MStrong@KSLAW.com](mailto:MStrong@KSLAW.com)>; Oleg Elkhunovich <[oelkhunovich@SusmanGodfrey.com](mailto:oelkhunovich@SusmanGodfrey.com)>; [james@taylorcopelandlaw.com](mailto:james@taylorcopelandlaw.com) <[james@taylorcopelandlaw.com](mailto:james@taylorcopelandlaw.com)>; Max Ambrose - Taylor-Copeland Law ([maxambrose@taylorcopelandlaw.com](mailto:maxambrose@taylorcopelandlaw.com)) <[maxambrose@taylorcopelandlaw.com](mailto:maxambrose@taylorcopelandlaw.com)>; Simon DeGeorges <[SDeGeorges@susmangodfrey.com](mailto:SDeGeorges@susmangodfrey.com)>  
**Subject:** RE: Einstein Deposition Scheduling

### CAUTION: MAIL FROM OUTSIDE THE FIRM

Andrew,

We are available to meet and confer about this. I am pretty tied up after 10am and out early due to Passover—would you be able to discuss between 830 and 10am?

-Nick

**From:** Andrew Michaelson <[amichaelson@kslaw.com](mailto:amichaelson@kslaw.com)>  
**Sent:** Tuesday, April 4, 2023 4:30 PM  
**To:** Nick Spear <[NSpear@susmangodfrey.com](mailto:NSpear@susmangodfrey.com)>  
**Cc:** Suzanne Nero <[snero@kslaw.com](mailto:snero@kslaw.com)>; Luke Roniger <[LRoniger@KSLAW.com](mailto:LRoniger@KSLAW.com)>; Meghan Strong <[MStrong@KSLAW.com](mailto:MStrong@KSLAW.com)>  
**Subject:** Feinstein Deposition Scheduling

**EXTERNAL Email**

Hi Nick,

In connection with Lead Plaintiff's Reply in Support of Motion for Class Certification, you have attached in support a new, second expert report from Dr. Feinstein that expresses new opinions and conclusions. In the new report, Dr. Feinstein addresses subjects that were not covered in his initial report and that he had not considered at the time of his deposition. At a minimum, Defendants are entitled to examine and respond to Dr. Feinstein's second report, and request an opportunity to depose him a second time. Given the current hearing date for the class certification motion, time is tight. Accordingly, please let us know right away if you will make Dr. Feinstein available for a deposition next week (the week of April 10), and we reserve all rights to seek other relief.

Thanks,  
Andrew

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**Andrew Michaelson**  
*Partner*

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